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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/882,317

06/15/2001

Shuo-Yen Robert Li

Li 6

8436

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7590

11/15/2005

AKIN GUMP STRAUSS HAUER & FELD L.L.P.  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA, PA 19103

EXAMINER

SAM, PHIRIN

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <span style="float: right;">✓</span> 09/882,317	Applicant(s) LI, SHUO-YEN ROBERT	
	Examiner Phirin Sam	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 17-20 is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 3-5,8,9 and 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

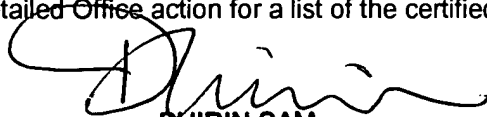
### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**PHIRIN SAM**  
**PRIMARY EXAMINER**

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/27/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,954,463 (hereinafter referred as “Ma”).

Ma discloses the invention (**amended claims 1, 7, and 11**) as claimed including a method for concurrently routing frames through a switch wherein each of the frames is formatted with one of a plurality of formats, the method comprising:

- (a) identifying the format of each of the frames (see Fig. 3, element 90, col. 1, lines 17-25, col. 6, lines 36-39, wherein distribution engine 90 determines or identifies the type of packets);
- (b) controlling the operation of the switch which reference to the format of each of the frames (see Fig. 3, element 88).

3. Claims 1, 2, 6, 7, and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,741,594 (hereinafter referred as “Tzeng”).

Tzeng discloses the invention (**amended claims 1, 7, and 11**) as claimed including a method for concurrently routing frames through a switch (see Fig. 1) wherein each of the frames is formatted with one of a plurality of formats, the method comprising:

- (a) identifying the format of each of the frames (see Figs. 1, 3, and 4, elements 24 and 72, col. 5, lines 59-65, col. 6, lines 5-9, 20-49);

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(b) controlling the operation of the switch which reference to the format of each of the frames (see Fig. 4, element 74, col. 8, lines 16-30).

**Regarding claims 2 and 13,** Tzeng discloses the switch is configured with connection states and wherein each of the frames has a first format or a second format and wherein the controlling includes controlling the connection states of the switch so that a frame with the first format has precedence over a frame with the second format (see Fig. 1, element 25, col. 5, lines 34-39).

**Regarding claims 6 and 12,** Tzeng discloses additional switches so that all switches form interconnected switches, the identifying including identifying at each of the additional switches the format of each of the frames, and the controlling including controlling the operation of each of the additional switches with reference to the format of each of the frames (see Fig. 1, col. 5, lines 20-31).

#### ***Allowable Subject Matter***

4. Claims 10 and 17-20 are allowed.
5. Claims 3-5, 8, 9, and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 2, 6, 7, and 11-13 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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(1) US Patent 6,831, 893 (Ben Nun et al) discloses apparatus and method for wire-speed classification and pre-processing of data packets in a full duplex network.

(2) US Patent 5,923,384 (Enomoto et al) discloses data transmission system capable of routing and transmitting digital data of different types.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: November 13, 2005



**PHIRIN SAM  
PRIMARY EXAMINER**